

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA,                     )  
   )  
                  Plaintiff,                         )  
   )  
vs.   ) Case No.: 4:14-cr-153 ERW (TCM)  
   )  
JAMES STALEY,                                     )  
   )  
                  Defendant.                        )

**THIRD MOTION TO MODIFY CONDITIONS OF RELEASE**

COMES NOW Defendant, James Staley, by and through counsel, and hereby moves this Court, pursuant to 18 U.S.C. § 3145(a)(2), to modify the conditions of release imposed on December 15, 2014 and remove Defendant's location monitor (special condition 7(t)(ii). In support of this motion, Defendant states as follows:

1. Defendant is charged with four violations of Title 18 U.S.C. § 1343.
2. On June 24, 2014, this Court admitted Defendant to bail on a combination of conditions of release, [Doc. Text #7], determining that the conditions imposed would reasonably assure both his appearance at trial and the safety of the community and any other person. See id.
3. Following a violation of these conditions of release, the pretrial services office filed a Petition for Action on Conditions of Pretrial Release on December 15, 2014 [Doc. Text #44] requesting that location monitoring and home detention be added to Defendant's conditions of release. This condition was ordered that same day by the magistrate judge. See id.
4. This Court granted Defendant's First Motion to Modify Conditions of Release

[Doc. Text # 52], allowing Defendant to travel to Israel from March 1, 2015 until March 12, 2015.

5. This Court also granted Defendant's Second Motion to Modify Conditions of Release [Doc. Text # 59], allowing Defendant to temporarily remove his location monitor, for purposes of his international travel.

6. Defendant returned from Israel to the Eastern District of Missouri and had his location monitor reattached today.

7. A primary function of the location monitoring program is to assist in the supervision of individuals who are a risk of flight and/or those who have traveled outside of the jurisdiction without approval.

8. Defendant has never traveled outside of this jurisdiction without approval and has established that he is not a risk of flight by surrendering for these charges at the outset of the case, being present at all court appearances and returning from his Israeli travel as scheduled.

9. While Defendant acknowledges multiple violations of his conditions of release, they are not the type of violations that can be counteracted through the location monitoring program.

10. Because Defendant is not a risk of flight and is charged with an economic offense, location monitoring does not appear to be the least restrictive means available to reasonably assure his appearance at trial and the safety of the community or any other person, as required by the Bail reform Act.

11. Further, location monitoring does not appear to further any meaningful purpose of the Bail Reform Act.

12. Defendant asks the Court to modify the conditions of his release and remove Defendant's location monitor.

13. Defendant, through counsel, has discussed this matter with assistant United States attorney Dianna Collins. Ms. Collins objects to Defendant's request.

14. Defendant, through counsel, has also discussed this matter with pretrial services officer Shannon McCallister. Ms. McCallister also objects to Defendant's request.

WHEREFORE, Defendant respectfully requests this Court modify his conditions of release and remove Defendant's location monitor (special condition 7(t)(ii). Should the Court be inclined to deny this motion, Defendant respectfully requests a hearing.

Respectfully submitted,

ROSENBLUM, SCHWARTZ, ROGERS & GLASS, PC

By: /S N. Scott Rosenblum  
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**CERTIFICATE OF SERVICE**

I hereby certify that on March 12, 2015, the foregoing was electronically filed with the Clerk of the Court to be served by operation of the Court's electronic filing system upon Ms. Dianna Collins, Assistant United States Attorney.